

CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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DATE: December 29, 2000
TO: Chair, County Board of Supervisors
SUBJECT: Substance Abuse and Crime Prevention Act of 2000 Funding

- [Establish Trust Fund](#)
- [Designate County Lead Agency](#)
- [Submit County Board of Supervisors Resolution](#)
- [Next Steps](#)

On November 7, 2000, Californians passed Proposition 36, the Substance Abuse and Crime Prevention Act of 2000 (Act). The Act makes substantial changes to both the criminal justice system and the substance abuse treatment service system. The Act mandates that any person convicted of a nonviolent drug possession offense, and any parolee, who is determined by the Parole Authority to have committed a nonviolent drug possession offense, or violated any other drug-related condition of parole, shall be diverted from incarceration into licensed or certified community-based drug treatment programs.

The Act also provides a total of \$60 million¹ in the current fiscal year for start-up costs and \$120 million annually for drug treatment services in Fiscal Years 2001-2002 through 2005-2006. The California Department of Alcohol and Drug Programs has been designated as the agency to implement and administer the Act.

This letter includes your [current year allocation amount](#) and outlines the key steps your county will need to take to receive funding for the current State Fiscal Year 2000-2001. The allocation amounts were derived from statistics on drug arrest data, treatment caseload, and population; these amounts also provide minimum-based funding for all counties². Funding is available now for planning and start-up efforts so that services to eligible probationers and parolees will be available on July 1, 2001. In order to receive funds, the county must submit a County Board of Supervisors Resolution to the Department of Alcohol and Drug Programs that includes:

1. designation of a county lead agency;
2. agreement to comply with provisions of the Act; and



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3. assurance of the establishment of a local trust fund for funds received pursuant to the Act.

Specific information concerning the required activities, funding distribution, allowable costs and activities, and county audits is contained in [California Code of Regulations, Title 9, Division 4, Chapter 2.5.](#)

I. Establish Trust Fund

To prepare to accept these funds, your county will need to establish a local Substance Abuse and Crime Prevention Trust Fund and deposit the funds received into the trust fund (Cal. Code Regs., Tit. 9, § 9515(e)). In lieu of the traditional alcohol and other drug contract mechanism, these funds will be distributed from the State Controller's Office through a State warrant payable to the County Treasurer for disbursement by the County Auditor-Controller.

II. Designate County Lead Agency

The county board of supervisors is responsible for implementation of the Act at the county level. The county board of supervisors is required to designate a lead agency that will be responsible for the administration of the trust funds (Cal. Code Regs., Tit. 9, § 9515(b)(1)). The county lead agency selected must demonstrate the ability to be responsible for the following activities (Cal. Code Regs., Tit. 9, § 9520):

- a. coordinate the development of a county plan for implementation of the Act with principal partners including, but not limited to, the county alcohol and drug program office, probation department, law enforcement, and courts;
- b. directly provide and/or contract with drug treatment programs;
- c. administer the funds received by the county pursuant to the Act;
- d. coordinate data collection and quarterly reporting through existing Department of Alcohol and Drug Programs data systems; and
- e. coordinate evaluation of county programs.

To avoid duplication and increase cost efficiencies, the Department of Alcohol and Drug Programs recommends that the county alcohol and drug program office serve in this capacity. Whichever entity is designated as the county lead agency, the county board of supervisors must assure that the lead agency has the capacity to carry out the essential responsibilities identified above.

III. Submit County Board of Supervisors Resolution

In order to receive funding pursuant to the Act, the county board of supervisors shall comply with the requirements set forth in the California Code of Regulations, Title 9, Section 9515. Essentially, each county board of supervisors must submit a board resolution identifying the specific lead agency, agreeing to comply with the provisions of the Act, and establishing a local trust fund. To facilitate this activity, the Department of

Alcohol and Drug Programs has developed a [sample form that can be used to identify the county lead agency](#) and a [sample Board Resolution](#). The Board Resolution must be submitted to the Director of Department of Alcohol and Drug Programs no later than March 1, 2001 (Cal. Code Regs., Tit. 9, § 9515(c)). The Department will release the State warrant for the county upon receipt of a Board Resolution and the Department's determination of completeness.

Next Steps

As an important next step, the Department of Alcohol and Drug Programs is forming a statewide advisory group to identify implementation issues, make recommendations to the Department, and promote collaboration at the local and state levels. Updated information on the statewide advisory group, start-up and technical assistance, and other related activities will be provided through the Department of Alcohol and Drug Programs' web site at www.adp.ca.gov.

The Department of Alcohol and Drug Programs recognizes the urgency of receiving the funds and we hope that the key steps outlined in this letter will assist you in preparing for start-up activities. If you have any questions please contact Gloria J. Merk, II, Deputy Director, Program Operations Division, at (916) 322-7012 or me, at (916) 445-1943. Thank you for your cooperation, and I appreciate your leadership in encouraging effective collaboration with your local agencies to ensure successful implementation of this Act.

Sincerely,

[Original Signed By]

Kathryn P. Jett
Director

Enclosure:

- [Summary of FY 2000-2001 Substance Abuse Treatment Trust Allocation](#)
- [California Code of Regulations, Title 9, Division 4, Chapter 2.5](#)
- [Sample Lead Agency Information Form](#) and [Sample Board of Supervisors Resolution](#)

cc:

The Honorable John Burton, President Pro Tempore,
California State Senate

The Honorable Robert M. Hertzberg, Speaker of the Assembly,
California State Assembly

County Chief Administrative Officer